

Application No. 10/536,970
AMENDMENT dated January 22, 2010
In Reply to Office Action of September 22, 2009

REMARKS/ARGUMENTS

Reconsideration of this application under 37 C.F.R. § 1.111 is respectfully requested.

Claims 1 through 3, 5, 6, and 17 through 28 are pending in this application. Claims 4 through 16 are canceled, claims 17 through 28 are withdrawn, and claims 1 through 3, 18, and 20 through 25 are amended.

The specification is amended at the point indicated above to correct a spelling error.

A request for a one-month extension of time is attached with a check for the \$130 fee. In the event the amount of the check is incorrect, any difference may be charged or credited to Deposit Account Number 12-1210.

Claims 1 through 3, 5, and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Specifically, according to the Examiner, “Both claims 5-6 are dependent upon cancelled claim 4. Further note that ‘the center of the bag panel’ (claim 1, line 5) lacks antecedent basis.”

Claims 5 and 6 are canceled. Claim 1 is amended by inserting the phrase, “wherein the bag comprises: at least a first bag panel and a second bag panel” to provide the appropriate antecedent basis for “the center of the bag panel.” Claims 2 and 3 are dependent upon claim 1.

Accordingly, it is requested that rejection of claims 1 through 3, 5, and 6 under 35 U.S.C. § 112, second paragraph, be withdrawn.

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Claims 1, 2, and 5 are “rejected under 35 U.S.C. 102(b) as anticipated by Vogt (US 2,117,919) [sic].”

Claims 3 and 6 are “rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US 2,117,919) [sic] in view of Krueger et al. (US 6,132,350).”

Vogt is not the inventor of U.S. Patent No. 2,117,919. It is assumed in preparing this response that U.S. Patent No. 2,177,919 is intended.

As noted above, claims 5 and 6 are canceled.

The Examiner has taken the position that Vogt discloses a process of installing a bag into a container through an aperture comprising folding the bag comprising parallel infolds 14 and a perpendicular fold 17. The Applicants traverse these rejections and request reconsideration.

It is respectfully submitted that, according to the Applicants’ understanding, Vogt does not recite a first folding of the bag about a first fold line, a second folding of the bag about a second fold line, and a third folding of the bag about a third fold line, with said second and third fold lines being parallel to each other and perpendicular to the first fold line.

Further, it is submitted that the container according to Vogt does not present a container aperture that has an aperture cross-sectional area smaller than the bulk of the bag. It is clear from an inspection of Figs. 9 and 10 that the Examiner is incorrect in stating that the bulk of the bag is larger than the cross-sectional area of the aperture of the container.

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Further, according to Vogt, it is not the method of installing a bag into a container that comprises folding steps, but merely a step in the construction of the bag itself.

In any case, when the bag according to Vogt can be called a bag (i.e., when being constructed), it is not folded in order to be inserted through the carton aperture. This is a matter of consequence of the bag according to Vogt not having a bulk larger than the aperture cross-sectional area.

According to Vogt, the folding steps are performed on the film (sheet of pliofilm 11, *see* page 3, column 1, lines 45 to 55) to form the bag.

Accordingly, it is requested that rejection of claims 1, 2, and 5 under 35 U.S.C. § 102(b) as anticipated by Vogt be withdrawn.

The Examiner cites to Krueger et al. for the purpose of supplementing the deficiencies of Vogt. Krueger et al. disclose a bag-type liner having a leading sealed, and a trailing unsealed, end that is fed along a predetermined liner path. The trailing unsealed end is suspended above the container. A plurality of clamps grab the sides of the bag at the unsealed end and separate the unsealed end by pulling the sides apart. A vacuum is then activated to draw air out of the container, drawing the wall of the liner material against the interior surface of the container, thereby fully opening the liner in the container. (Krueger et al., Abstract.)

Krueger et al. do not disclose or suggest the elements of claim 3, which is dependent on claim 1. Krueger et al. do not teach or suggest folding the bag into overlapping panels having a bag cross-sectional area able to pass through the aperture cross-sectional area and inserting the

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folded bag through the aperture into the container. Further, Krueger et al. do not disclose or suggest a first folding of the bag about a first fold line, a second folding about a second fold line, and a third folding about a third fold line wherein the second and third fold lines are parallel to each other and perpendicular to the first fold line.

Vogt and Krueger et al., alone or in combination do not teach or suggest the elements of claim 3. Accordingly, it is requested that the rejection of claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Vogt in view of Krueger et al. be withdrawn.

In view of the foregoing, it is submitted that this application is now in condition for allowance. Favorable consideration of the application is requested.

Respectfully submitted,

22 JAN 10

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